

Kevin T. Snider, State Bar No. 170988

*Counsel of record*

Mathew B. McReynolds, State Bar No. 234797

PACIFIC JUSTICE INSTITUTE

P.O. Box 276600

Sacramento, CA 95827

Tel. (916) 857-6900

Fax (916) 857-6902

Email: kevinSnider@pacificjustice.org

mattmcreynolds@pacificjustice.org

Peter MacDonald, State Bar No. 69789

LAW OFFICE OF PETER MACDONALD

400 Main Street, Suite 210

Pleasanton, CA 94566-7371

Tel. (925) 462-0191

Fax. (925) 462-0404

Email: pmacdonald@macdonaldlaw.net

Attorneys for Plaintiff and Real Party in Interest

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL CHURCH  
FOURSQUARE GOSPEL,

Plaintiff,

v.

CITY OF SAN LEANDRO, MICHAEL  
J. GREGORY (in his official capacity),  
SURLENE G. GRANT (in her official  
capacity), DIANA M. SOUZA (in her  
official capacity), JOYSE R.  
STAROSCIACK (in her official  
capacity), BILL STEPHES (in his

) Case No.: CO7-03605-PJH-JCS

)  
) **DECLARATION OF FAITHKIDZ**  
) **MINISTRY DIRECTOR ALICIA**  
) **SWINDERMAN IN SUPPORT OF**  
) **MOTION FOR PRELIMINARY**  
) **INJUNCTION**

) Date: September 5, 2007

) Time: 9:00 a.m.

) Courtroom: 3

) Hon.: Phyllis J. Hamilton

1 official capacity), JIM PROLA (in his )  
 2 official capacity), JOHN JERMANIS(in )  
 3 his official and individual capacities), )  
 4 DEBBIE POLLART (in her official and )  
 5 individual capacities), DOES 1-50, )  
 6 Defendants. )  
 7 FAITH FELLOWSHIP FOURSQUARE )  
 8 CHURCH, )  
 9 Real Party in Interest. )

10  
 11 I, Alicia Swinderman, do hereby declare as follows:

12 1. That if called upon, I could and would testify truthfully, as to my own  
 13 personal knowledge, as follows:

14 2. I am one of the FaithKidz Ministry Directors for Faith Fellowship  
 15 Worship Center, located at 577 Manor Boulevard, San Leandro, California 94579.

16 3. I verify and attest to all of the statements made by Casey Lee in her  
 17 affidavit. As directors of the FaithKidz Ministry, Casey Lee and I can confirm the  
 18 hardship our ministry has taken because of facility and parking space restrictions.  
 19 The City enforced these restrictions on Faith Fellowship when they denied access to  
 20 the Church's new facility on Catalina Street.

21 4. The City of San Leandro's decision to not allow use of the new facility  
 22 on Catalina Street has substantially burdened the FaithKidz Ministry and Faith  
 23 Fellowship as a whole. Due to the City's denial we have had to close classrooms  
 24 and turn away children. We encounter closed classrooms almost every week.  
 25 Without more facility space we will continue to close classrooms. We need  
 26 additional facility space to minister all children who want to participate in FaithKidz

27  
 28  
 DECLARATION OF ALICIA SWINDERMAN

1 Ministry. By not being able to use the new facility FaithKidz Ministry has  
2 significantly hindered our ability to share the Gospel and teach Christian precepts.

3 5. Not being able to use the new facility has stopped FaithKidz Ministry  
4 from growing. The ministry does not have enough facility space to add children.  
5 We are saddened that our ministry cannot allow new children to join. One of the  
6 most important parts of practicing religion is being able to spread the word of God.  
7 Without more space we will have lost the ability to further spread our love and  
8 worship of God. This is a substantial burden on our free practice of religion.

9 6. Our mission is to minister as many children as possible. The new  
10 facility will give us the additional space we need to grow. Ministering to children is  
11 extremely important to Faith Fellowship. Our free practice of religion is being  
12 substantially burdened because we cannot minister all children who want to  
13 participate in FaithKidz Ministry.

14 7. I have an example that can uphold my assertion. One time a mother  
15 asked if her child could invite eight friends to this ministry. We regrettably had to  
16 say no. For a short period, the mother was unhappy with FaithKidz Ministry  
17 because of this incident. I felt personally and religiously burdened that we did not  
18 have enough space to accommodate eight additional students. If we cannot add a  
19 mere eight students then our facility is too small to accommodate the community  
20 need. Examples such as the above pain our hearts and burden our free exercise of  
21 religion. If we are not allowed to use the new facility then we are being drastically  
22 constrained in practicing our religious beliefs.

23 I declare, under penalty of perjury under the laws of the State of California  
24 and the United States of America, that the foregoing is true and correct and is of my  
25 own personal knowledge, and indicate such below by my signature executed on this  
26 12th day of July, 2007, in the County of Alameda, City of San Leandro.

27  
28  
DECLARATION OF ALICIA SWINDERMAN

